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KAMEHAMEHA HELD FOR PETTY THEFT

Attorney Thayer's Client Refuses to Plead Guilty---Queen is Enjoined.

DWIN S. GILL, editor of the Republican, who shot Mortimer I. Stevens, was arraigned yesterday morning in the Circuit Court upon an indictment brought before the Circuit Judge by the Grand Jury. The case excited much interest in legal circles and a large audience of attorneys were present. F. W. Hankey, appearing as counsel for the defendant, asked that Gill's plea be reserved until this morning, as he had several facts in hand which he wished to investigate. Deputy Attorney General Cathcart acquiescing, the court ordered a continuance until 10 o'clock Tuesday morning.

Lorrin Andrews, who assists in the prosecution of the case, asked that the judge fix the bond. Mr. Hankey agreed with the prosecution in allowing the bond to be fixed by the court. Bail was therefore fixed at \$500. Mr. Hanfor J. A. Magoon, who appeared shortly which were ordered spread on the court withdrawn and the case will be given

During the morning proceedings the judge made a nidiculous mistake. The dignity of the court was upset by none tate of J. Cabral Medeiros, filed a petiother than the judge himself. Having tion in the Circuit Court yesterday, askin mind the reminiscences of Arizona ing the privilege of disposing of a mortin mind the reminiscences of Arizona gage given by Auguste de Jesus and which in many ways were brought back Domingo Fernandez, given July 31, 1500, to him by the presence of Mr. Gill, for \$400. The administrator claims there whom His Honor had known in the is a widow and six children left as the Territory of Arizona, he naturally fell heirs of the deceased, and no funds are into error when dictating a formal and available for their support except the solemn court order in fixing a bond mortgage, the interest on which is paystead of dictating the "Territory of Ha- QUEEN PERPETUALLY ENJOINED. similar in form to that of Gill's. Inwaii" in the proper place, the judge caused a snicker and a smothered laugh by saying: "We do each of us cuit Court of the First Circuit of the Hawaii, and particularly from her lands at Walkiki, which came to her from His Honor was about to proceed King Kamehameha IV.

when sounds of laughter smote his ear from every part of the room. He stopped suddenly, smiled in a sickly manner and corrected himself by the proper wording, which he ordered the clerk to see was corrected both on the minutes and in the stenographer's notes. Both Gill and Magoon swore to make themselves liable for \$500.

KAMEHAMEHA INDICTED.

Kamehameha has been indicted by the Grand Jury of the Territory of Hawaii for stealing \$4.60. Strange as it may seem, the court records clearly state that Kamehameha is a petty larcenist. The great name of the conqueror of all Hawall, surnamed the Napoleon of the Pa-cific, has been brought into one of the courts of the land which was his by right of conquest, and the people were subject to his whim for life or death, A hundred years brings great changes and the name which was and is today the proudest in Hawaiian history has been humbled by an unworthy son of Hawaii, albeit he is not a son of the royal line of Kamehamehas. A mild sensation was sprung when the Deputy Attorney General in stentorian voice called the name of Kamehameha, and a youth of nondescript appearance stood up in the prisoners' box and answered to the famous name. The name ill-fitted the young Hawaiian and there was look of disgust upon the faces of the Hawaiian spectators present. At one time and within the memories of the present generation, the name of Kame-hameha was sacred, and few were entitled to wear it except they were born of royal parents of that dynasty. Kamehameha the Lesser is unable to

speak the English language. He said in answer to the court's query that he had no money and no lawyer, and Attorney Robinson was appointed to defend him. The case was continued until next Mon-

NO MORE COURT HOLIDAYS.

The First Circuit Juage will entertain no propositions to establish additional holidays to those already in vogue in the Judiciary building. He has set his foot squarely down on the proposition to adjourn court on days when the Emperor of China has a birthday; the King of Norway and Sweden an anniversary of some incident in his life; the date of the accession of the Mikado to the throne; and the myriad events which the cosmopolitan population of Honolulu makes use of almost every week in the year.

Judge Davidson, during the course of the court's work yesterday morning, quietly asked His Honor if it were possible for the Circuit Court to declare a legal holiday on the occasion of the Chinese New Year's. The Judge shook his head and replied: "I am asked to close up the court on Chinese New Year's Day. It will not be granted by the Court and the Court cannot entertain any such proposition. We now are compelled to close up the work on Christmas, New Year's Day, Abrogation of the Mon-archy, Washington's Birthday, Decoration Day, Kamehameha Day, July 4, Regatta Day, Thanksgiving Day, and, besides, on many other special occasions."

THAYER WAS DUMBFOUNDED. Attorney Wade Warren Thayer had a peculiar experience in the Circuit Court yesterday morning. He was the attorney for one Kanoho, a young native sail-or who was indicted for stealing saki from the hold of one of the Island boats estate of Captain Harry English were Club Stables case. Thayer was appointed by the Circuit Judge to defend Kanoho, the latter having no means with which to employ

On Thursday Thayer visited Kanoho that the youth should plead guilty to the charge and beg the Court for leniency, on the plea that he had already spent four months in prison. When the indictment was read yesterday morning, Mr. Thayer advanced to a convenient the Island Cigar and Curiosity Shop. station before the Judge and told a tear- 116 Hotel street.

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ful tale of his client's former good behavior and that he was more sinned against than sinning.

Thayer made an excellent plea, was dumbfounded when his client said key stated that the proposed surety that he would plead not guilty. The on Gill's bond was not in court, and the Judge allowed the client, attorney and judge ordered the defendant to remain an interpreter to go into the hallway for in the court room until his surety could a conference and arrive at a more definite understanding than that already presented to the Court. The trio returnafterward. The indicted editor brought Court that the boy had changed his his surety before the Circuit Judge, who mind at the eleventh hour and he would thereupon dictated the form of a bond stand trial. His plea of not guilty was special hearing.

ONLY A MORTGAGE LEFT M. G. Silva, administrator of the es-

able semi-annually. Her Majesty Queen Liliuokalani has been perpetually enjoined by order of the First Circuit Judge from removing gravel and sand below high water mark solemnly bind ourselves unto the Cir- from the tide lands of the Territory or

> The injunction was prayed for by the agents of the Territory on February 2, when they petitioned to have Liliuokalani, John H. Wilson, their agents, servants, wenders and licensees enjoined from removing sand and gravel from the beach at Walkiki. A temporary restrain-ing order was issued. The defendants were given until February 11 to answer, and failed to do so, either in writing, by

attorney or in person. SMITH LAND SALES.

The return and account of sales or real estate in the action brought by Samuel C. Allen vs. George Washington Smith and Ida E. Lamb was filed yesterday by George Lucas, commissioner. The property was sold by decree of the Circuit Court, dated January 10, 1901. The sale was held on February 9, through Auctioneer Morgan,

The first piece of land sold was the undivided half belonging to George W. Smith, at Lihue, Ewa, Oahu, to S. K. Ka-ne, trustee, for \$2,100. The second sale was of an undivided half belonging to Smith, in Nuuanu valley, sold to T. W. Hobron for \$350. Section 4, land in Kekio tract, Honolulu, was sold to S. K. Ka-ne for \$600; in all, aggregating \$3,-The net proceeds of the sale are \$2,940.15, not including the commission-er's fee. The commissioner asks that the sales be confirmed. COURT NOTES.

George Lucas, commissioner, has filed a return and account of sales of real estate and petition for order confirming sale in the case of Ida E. Lamb vs. Geo. Washington Smith, J. E. Kahoa and Hannah Kaiwi. The real estate, located on School street was purchased by Henry Waterhouse for \$2,100. Mary A. Coffield, plaintiff in a dam-

gage suit against the Territory, yester-day filed a bill of exceptions against the ruling of the court that defendant's demurrer should be sustained. The Circuit Judge found the exceptions conformable to the truth and allowed them. Defendant in the case of M. Gusmao Silva vs. J. A. Magoon, administrator of the estate of Antonio Fernandes, deceased, has been allowed by stipulation between the attorneys, ten days from date after the filing of an amended bill of particulars, to conform to the pray-er of a motion heretofore made herein, in which to demur or make answer to plaintiff's complaint.

Owing to the illness of the attorney of C. C. Bitting, whose habeas corpus pro-ceedings were to have been heard in the United States District Court yesterday morning, the matter was set over until Monday morning at the same hour. A letter from the attorney came to Judge Estee with that request contained there-

The Court allowed the accounts of H. K. McIntyre, executor, and Jane S. Walker, executrix, of the estate of the late John S. Walker. Mrs. Walker was instructed that under the provisions of the will she was not under the necessity of filing any further accounts.

J. A. Thompson was appointed a com-missioner to take the testimony of Father Leonore in the matter of the estate of A. A. Doiron. On the Island of Maui in the same case, J. N. K. Keola will take the testimony of J. A. Aluli. The accounts of George Boardman, ex-ecutor under the will of the late Eliza J. Boardman, were allowed and his dis-

charge ordered.

The accounts of Henry Smith in the case. The lower court and appealed his case. The three sons are to be given one-fourth each and the three grandchildren are entitled to the remaining no means with which to employ counsel.

On Thursday Thaver visited to their legacy is extremely amount of their legacy is extremely constant. small. Henry Smith was instructed to at the Oahu prison and it was arranged pay the amount over to some one interested in their welfare and to use it in a

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